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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,437	05/25/2000	Jianhua Fan	12515.4USD1	6437

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10/02/2003

Jianhua Fan
5800 Maudina Ave.
#C2
Nashville, TN 37209

EXAMINER

GELLNER, JEFFREY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,437

Applicant(s)

FAN, JIANHUA

Examiner

Jeffrey L. Gellner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,27,29,44,45 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,27,29,44,45 and 47-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

In Claim 1, lines 5 & 6, the element “the supports” should be --the at least one support-- to state the exact claim limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 29, 47, and 50 are rejected under 35 U.S.C. §102(b) as being anticipated by Wilson et al. (GB 2198324 A).

As to Claim 1, Wilson et al. discloses a self watering tray (Figs. 1-5) for a plant pot (defined as 1 of Fig. 1) comprising a plate (3 as disclosed in Fig. 1; page 4 lines 5-8), the plate having side walls (“side wall” of Fig. 1) and a bottom wall (“bottom wall” of Fig. 1), the plate holding fluid (inherent in “water reservoir” of abstract; shown in Fig. 1); and, at least one support (7 and 8 of Fig. 2) extending from the bottom wall and separate (shown in Fig. 2), the at one support not hollow (7 and 8 of Fig. 2), the at least one support making enough space for reserving fluid in the tray (shown in Fig. 1).

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As to Claim 29, Wilson et al. further disclose a fluid intake lip ("lip" of Fig. 1), the fluid intake lip disposed on the side walls of the plate (see Fig. 1), so that fluid can easily be added into the plate through the fluid intake lip.

As to Claim 50, Wilson et al. further disclose the at least one support having a second section (8 of Figs. 1 and 2) the second section extending upward from the support (the support being 7 of Figs. 1 and 2).

As to Claim 47, Wilson et al. further disclose a wick (9 of Fig. 1), the wick provides a fluid conduit capable of sucking fluid from the plate ("moisture absorbing" of abstract).

Claims 1, 47, and 48 are rejected under 35 U.S.C. §102(b) as being anticipated by Lucas et al. (FR 2719974 A1).

As to Claim 1, Lucas et al. discloses a self watering tray (Figs. 3, 5, and 6) for a plant pot (not shown but inherent in Fig. 6) comprising a plate (2 of Fig. 6), the plate having side walls (region around leadline of 2 of Fig. 6) and a bottom wall (region around leadline of 4 of Fig. 6), the plate holding fluid (shown in Fig. 6); and, at least one support (14 of Figs. 3 and 6) extending from the bottom wall for supporting the plant pot, the at least one support separate from each other (14 of Fig. 3) and not hollow (shown in Fig. 3), the at least one support making enough space for reserving fluid in the tray (shown in Fig. 6).

As to Claim 47, Lucas et al. further discloses a wick (11 of Figs. 3, 5, and 6), the wick providing a conduit capable of sucking fluid from the plate (shown in Fig. 6).

As to Claim 48, Lucas et al. further discloses a tube (13 of Figs. 3 and 6), the wick inserted into the tube (shown in Figs. 3 and 6).

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Claims 27, and 44 are rejected under 35 U.S.C. §102(b) as being anticipated by Rajon (FR 1544194) (document N of Examiner's 892 of office action paper no. 3).

As to Claim 27, Rajon discloses a self watering tray (Figs. 1-3) for a plant pot (G of Fig. 3) comprising a plate (A of Figs. 2 and 3), the plate having side walls (shown in of Figs. 2 and 3) and a bottom wall (region around leadline of A in Fig. 2), the plate holding fluid (shown in Fig. 3); and, at least one leg (C,D, and F of Fig. 1) coupled to the plate (shown in Fig. 3), the at least one leg having two sections , an up section (D of Figs. 1 and 3) and a low section (F Fig. 1), the up section is smaller than the low section (shown in Figs. 1 and 3), each of them having a closed side wall (the side walls of both sections are closed in Fig. 1), a shoulder (region around C of Figs. 1 and 3) between the up section and low section supporting the plant pot (shown in Fig. 3).

As to Claim 44, Rajon further discloses the at least one leg filled with a fluid sucking material (E of Figs. 1 and 3) which provides a fluid conduit capable of sucking fluid from the plate (shown in Fig. 3).

Claims 27, 45, and 49 are rejected under 35 U.S.C. §102(b) as being anticipated by Wilson et al. (GB 2198324 A).

As to Claim 27, Wilson et al disclose a self watering tray (Figs. 1-3 and 5) for a plant pot (defined as 1 of Fig. 1) comprising a plate (3 as disclosed in Fig. 1; page 4 lines 5-8), the plate having side walls ("side wall" of Fig. 1) and a bottom wall ("bottom wall" of Fig. 1), the plate holding fluid (inherent in "water reservoir" of abstract; shown in Fig. 1); and, at least one leg (7 and 8 of Figs. 1 and 2) coupled to the plate (shown in Fig. 1), the at least one leg having two

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sections, an up section (8 of Figs. 1-3 and 5) and a low section (7 of Figs. 1-3 and 5), the up section is smaller than the low section (shown in Figs. 1-3 and 5), each of them having a closed side wall (Fig. 2), a shoulder ("shoulder" of Figs. 3 and 5) between the up section and low section supporting the plant pot (shown in Fig. 3).

As to Claim 45, Wilson et al. further disclose a wick (9 of Figs. 1 and 3) accompanying the leg (shown in Figs. 1 and 3), the leg not filled with the wick (shown in Figs. 1 and 3).

As to Claim 49, Wilson et al. further disclose a fluid intake lip ("lip" of Fig. 1), the fluid intake lip disposed on the side walls of the plate (see Fig. 1), so that fluid can easily be added into the plate through the fluid intake lip.

Response to Arguments

Applicant's arguments filed 15 July 2003 have been fully considered but they are not persuasive. The crux of Applicant's arguments are: (1) Wilson discloses supports with spikes and the supports integrated (Remarks page 4 3rd paragraph); (2) Lucas discloses a tray with a false bottom that is completely different from the instant invention (Remarks page 5 1st paragraph); and (3) Rajon does not disclose a leg with closed sides (Remarks page 5 3rd paragraph).

As to argument (1), Wilson may disclose supports with spikes as Applicant contends but Examiner considers the apparatus of Wilson to disclose the language recited in Applicant's Claims 1 and 27.

As to argument (2), Examiner disagrees with Applicant. The apparatus of Lucas discloses the language of Applicant's claims.

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As to argument (3), Rajon does disclose a leg with closed sides because there are no cutouts or knockouts in the leg of Rajon. Hence, the leg has closed sides.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

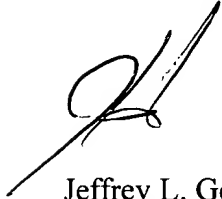
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

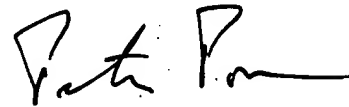
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The fax phone numbers for the Technology Center where this application or proceeding is assigned are 703.305.7687, 703.305.3597, and 703.306.4195.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner



PETER M. [unclear]
SUPERVISOR [unclear]
TECHNICAL [unclear] 3000